



smith & hopen, p.a.

15950 Bay Vista Drive, Suite 220
Clearwater, Florida 33760
727.507.8558 Tel
727.507.8668 Fax
www.baypatents.com

RECEIVED
CENTRAL FAX CENTER

FEB 25 2005

Fax

INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Anton J. Hopen
Attn:	Brian Whiteman - Art Unit 1635	Client:	1372.48.PRC
Fax:	(703) 872-9306	Pages:	9 including coversheet
Phone:	(571) 272-0764	Date:	February 25, 2005
Re:	USPN: 10/064,512	CC:	University of South Florida

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Whiteman:

In response to the Notice of Non-Compliant Amendment mailed on February 18, 2005, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated February 25, 2005 (2 pages);
- 2) Copy of Notice of Non-Compliant Amendment (1 page); and
- 3) Complaint Amendment with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated February 25, 2005 (4 pages).

Very respectfully,

Molly L. Sauter
Reg. No. 48,457

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/064,512	Confirmation No.:	6625
Applicant:	: Loree Heller	RECEIVED	
Filed:	: 07/23/2002	CENTRAL FAX CENTER	
Art Unit	: 1635	FEB 25 2005	
Examiner	: Brian A. Whiteman		
Docket No.	: 1372.48.PRC		
Customer No.	: 21901		
For	: Method of Enhancing Therapeutic Effect of Nucleic Acids		

Faxed to Technology Center 1600 at (703) 872-9306
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is an independent inventor. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Notice of Non-Compliant Amendment (37 C.F.R. 1.121) is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 1635, Attn: Brian A. Whiteman, (703) 872-9306 on February 25, 2005.

Dated: February 25, 2005


Charlene Morgan

(Amendment Transmittal—page 1)

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	8	Minus	29	= 0	x \$9 =	\$0
Indep.	1	Minus	4	= 0	x \$43 =	\$0
First Presentation of Multiple Dependent Claim					+ \$145 =	\$0
Total						Addit. Fee \$0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
 ** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,



Reg. No. 46,457
 Tel. No.: (727) 507-8558

Molly L. Sauter
 Smith & Hopen, P.A.
 15950 Bay Vista Drive, Ste. 220
 Clearwater, FL 33760

(Amendment Transmittal—page 2)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/064,512

Examiner

Brian Whiteman

Applicant(s)

HELLER ET AL

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 28 October 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Please provide the proper status identifier for claim 11.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preopnotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

SCOTT D. PRIEBE, PH.D.
PRIMARY EXAMINER

Scott D. Priebe